IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 11TH OCTOBER 2007 / \9TH ASWINA 1929

WP(C).No. 29695 of 2007(I)

CC.373/2006 of J.M.F.C.,PERUMBAVOOR

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PETITIONER:

PARAMESWARAN NAIR, AGED 70 YEARS,
S/O PARAMESWARAN NAIR, PISHARATH HOUSE,
AIYMURI, KOOVAPADY, KOOVAPADY VILLAGE,
KUNNATHUNADU TALUK.

BY ADV. SRI.P.K.BALAKRISHNAN NAIR

RESPONDENTS:

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1. THE STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. K.K.VIJAYAN, THEKKADATH HOUSE,
THODUPUZHA, EAST KANJIRAMATTOM,
IDUKKY DISTRICT.

R1 BY GOVT. PLEADER SRI. M.S. BREEZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

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W.P.C.No. 29695 of 2007 I

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Dated this the 11th day of October, 2007

JUDGMENT

The petitioner is the complainant in a prosecution under Section 138 of the N.I. Act. According to him, he is a senior citizen, aged about 78 years. He is sick and ill. He has great urgency to get the amount covered by the cheque. But the learned Magistrate is not disposing of the case. Instead of filing a petition before the learned Magistrate to advance the hearing of the case and early disposal, the petitioner has come running to this Court with a prayer that the learned Magistrate may be directed to expeditiously dispose of the case.

2. The procedure adopted is obviously incorrect and cannot be encouraged. The petitioner must appear before the learned Magistrate and seek advancement of hearing of the case showing reasons. The learned Magistrate must pass appropriate orders on such application. If the petitioner is aggrieved, I can understand, the

petitioner coming to this Court for appropriate orders. At the moment the petition is misconceived and got to be dismissed.

3. This writ petition is dismissed. The petitioner can, as stated earlier, of course approach the learned Magistrate for appropriate orders.

4. Hand over the order.

(R. BASANT)
Judge

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